Judge Hits Berrigan Defendants Over Motions for Information

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A federal judge in Harrisburg, Pa., criticized lawyers for the Rev. Phillip Berrigan and seven other defendants for asking the govenment to provide what the jurist considered too much pretrial information.

Responding to motions filed by the defense in March, April and May in the alleged conspiracy to kidnap Henry Kissinger and bomb heating systems under federal buildings here, U.S. District Judge R. Dixon Herman said:

"If defendants were given the minutiae they seek, the slightest discrepancy between particulars and the evidence at trial would open the door to defendants' attempt to confuse the jury. . . .

"It would be tantamount to a preview of the government's case."

Among the requests denied by Judge Herman was one that the government specify whether eavesdropping "by wire interception, electronic or other mechanical device or human being" was used in its investigation of the alleged conspiracy.

The judge is to issue a separate opinion later on the defendant's challenge of the government's right to use wiretaps.

He denied the defendants' request that the government state which part or parts of the alleged conspiracy each of the eight "subscribed" to.

The defendants were granted their motion to know the names and addresses of all co-conspirators involved in the alleged plot, any overt acts not included in the indictments, dates and times of alleged meetings, types of vehicles used by some of the defendants and the names and addresses of all Selective Service offices they allegedly planned to enter.

They were denied access grand jury testimony of co-conpsirators, but were upheld on their request that the govrnemnt specify which of the defendants allegedly conspired to use explosives or possessed unregistered firearms.